

141-295012-17

FILED
TARRANT COUNTY
8/9/2019 1:32 PM
THOMAS A. WILDER
DISTRICT CLERK

Cause No. 141-295012-17

**MBH REAL ESTATE LLC,
AFI LOAN SERVICING, LLC,
ANSON FINANCIAL, INC.,
J. MICHAEL FERGUSON, P.C.
Plaintiffs**

V.

**IAN GHRIST, GHRIST LAW FIRM, PLLC,
SHAWN COKER, NEIGHBORHOOD PARTNER,
INC., BLUE MOON REALTY GROUP, LLC,
WIZARD FUNDING, LLC, SILVER STAR TITLE
, LLC DBA SENDERA TITLE, ELIZABETH
ESPINO, KATHY E. MONTES, AND LUCY
OLIVAS
Defendants**

§ IN THE DISTRICT COURT

§ 141st JUDICIAL DISTRICT

§ TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY
2019 SEP 13 PM 12:22
CLERK
THOMAS A. WILDER
DISTRICT CLERK

**ORDER ON IAN GHRIST'S AND GHRIST LAW FIRM PLLC'S
REQUESTS FOR ATTORNEY'S FEES, COSTS, AND SANCTIONS**

CAME ON TO BE HEARD, the above-referenced matter. Upon consideration of the pleadings, arguments, evidence, and filings, the Court GRANTS the relief as stated herein. In this instrument, references to awards to Ian Ghrist and Ghrist Law Firm PLLC shall mean that relief is awarded to both entities, however, the award shall be a single recovery, jointly and severally, against those entities against whom the award is taken.

The Court has reviewed the Mandate of the Second Court of Appeals dated September 5th, 2018, the fee affidavit attached as Exhibit A to the motion filed 3/26/2019, the fee affidavit attached as Exhibit 1 to the supplement filed 5/20/2019, the fee affidavit attached as Exhibit M to the motion filed 1/17/2019, the fee affidavit attached as Exhibit D to the motion filed 10/16/2017, the fee invoice attached as Exhibit 4 to the supplement filed 5/20/2019, and other relevant filings or evidence, and, in accordance therewith, awards \$17,043.75 in legal fees to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC, Anson Financial Inc., AFI

E-MAILED
9/13/19
PLs' Exhibit 70



Loan Servicing LLC, and J. Michael Ferguson P.C. for the defamation or libel claims dismissed pursuant to the Mandate.

The Court awards \$6,300.00 in legal fees for defense of the claims related to the \$129,000 Yammine Tax Loan against Anson Financial Inc. to Ian Ghrist and Ghrist Law Firm PLLC.

The Court further awards \$9,197.50 in legal fees for defense of the claims entitled "The Ghrist Defendants' Breaches of Fiduciary Duties and Tortious Interference to Anson Financial Inc. Related to the Alvord 287 Joint Venture" against Anson Financial Inc. to Ian Ghrist and Ghrist Law Firm PLLC.

The Court finds that a sanctions award is mandatory, under Tex. Civ. Prac. & Rem. Code Ann. § 27.009, when a Texas Citizen's Participation Act (TCPA) motion to dismiss is granted. *See Tatum v. Hersh*, 559 S.W.3d 581, 587 (Tex. App.—Dallas 2018, no pet.). The Court finds that after MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C. had claims dismissed pursuant to the TCPA, Anson Financial Inc. chose to file additional claims, twice, subject to dismissal pursuant to the TCPA. Under the circumstances of this case, where three TCPA motions were granted in the same lawsuit, and for other reasons as explained in the motions and evidence, sanctions should be awarded against MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C. (all companies owned and controlled by J. Michael Ferguson). Sanctions should be awarded, pursuant to Tex. Civ. Prac. & Rem. Code 27.009, and this Court's inherent power to sanction, as the Court determines sufficient to deter the party who brought the legal action from bringing similar actions described in Chapter 27 of the Texas Civil Practice and Remedies Code. The



Court has awarded \$32,541.25 in legal fees related to causes of action dismissed pursuant to the TCPA.

The Court awards sanctions, pursuant to the TCPA and under the Court's own power to award sanctions, of \$97,623.75, being three times the amount of fees awarded under the three granted TCPA motions to dismiss. Accordingly, the Court awards the foregoing sanctions against MBH Real Estate LLC, Anson Financial Inc., AFI Loan Servicing LLC, and J. Michael Ferguson P.C., jointly and severally, in favor of Ian Ghrist and Ghrist Law Firm PLLC.

The Court finds, pursuant to Tex. Bus. & Com. Code Ann. § 17.50(c), that the claims under the Texas Deceptive Trade Practices Act (DTPA) were "groundless in fact or law or brought in bad faith, or brought for the purpose of harassment" and accordingly, awards attorney's fees and court costs to Ian Ghrist and Ghrist Law Firm PLLC in accordance with Tex. Bus. & Com Code § 17.50(c). The Court makes such finding for the reasons stated in Pages 13 to 16 of Exhibit A to the motion filed 3/26/2019, and for such other reasons as are contained in the pleadings, record, and evidence in this case. Accordingly, the Court awards \$10,217.50 in attorney's fees to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC on the DTPA claims.

The Court awards post judgment interest on all amounts awarded herein at the statutory rate of 5.50% per annum.

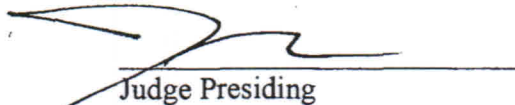
The Court further finds that Ian Ghrist and Ghrist Law Firm PLLC shall recover \$15,000.00 in additional legal fees in the event of an appeal to the Court of Appeals, and \$10,000.00 in the event of an application for writ of error to the Texas Supreme Court, and \$15,000.00 in the event of briefing on the merits to the Texas Supreme Court.



Taxable court costs, including the costs of the appeal to the Second District of Texas Fort Worth Court of Appeals under Cause No. 02-17-00411-CV, are awarded to Ian Ghrist and Ghrist Law Firm PLLC against MBH Real Estate LLC, AFI Loan Servicing LC, Anson Financial Inc., and J. Michael Ferguson P.C. pursuant to the Mandate and otherwise. The Plaintiffs' motion for recovery of Plaintiffs' attorney's fees is denied.

This judgment is partial and interlocutory in nature because the Coker parties have a counterclaim that remains pending at this time.

SIGNED on this the 11 day of September, 2019.



Judge Presiding



A CERTIFIED COPY
ATTEST: 5/19/2021
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: CHLOE K GARCIA